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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,472	11/09/2001	David Hohl	LIFE052	5648
24353	7590	08/29/2005	EXAMINER	
BOZICEVIC, FIELD & FRANCIS LLP 1900 UNIVERSITY AVENUE SUITE 200 EAST PALO ALTO, CA 94303			LIANG, REGINA	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,472

Applicant(s)

HOHL ET AL.

Examiner

Regina Liang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to amendment filed 7/25/05.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 37-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al (EP 0 733 963 hereinafter Jasinski) in view of Hoeksma (US. PAT. NO. 6,271,835).

As to claim 37, Jasinski discloses a device for data entry and display comprising a plurality of hard keys (alpha hard keys such as 17a, 17j in keypad 11 shown in Fig. 1) and a plurality of soft keys (37, 39 and 41), each hard key (key 17a for example) having a primary alphanumeric symbol (numeral "3") and a set of secondary alphanumeric symbols associated therewith (alpha characters "GHI"). Jasinski also discloses actuating a first hard key (17j for example), and displaying on the plurality of soft keys a set of the secondary alphanumeric symbols (alpha characters of key J, K, L display on the soft keys 39) from the actuated the hard key (col. 6, lines 15-26). Jasinski differs from the claim in that the plurality of soft keys are not provided on the keypad. However, Jasinski teaches each of the soft keys 37 including a corresponding the touch keys 41, actuating a touch key 41 actuates the corresponding pseudo key 39 to select the alpha character displayed on the pseudo key. Fig. 2 of Hoeksma teaches it is old and well known in the art that a data entry and display device having a plurality of soft keys having display thereon and provided on the keypad to be intuitive to a first time user since the

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input keys are re-labeled in manner which corresponds to their relative position within the selected input key (see the abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the soft keys of Jasinski to be provided on keypad as taught by Hoeksma to provide a keypad that is intuitive to a first time user since the input keys are re-labeled in manner which corresponds to their relative position within the selected input key; also it would provide a bigger work space within the screen.

As to claims 38-45, Figs. 2B-2E of Jasinski teaches actuating a second or nth hard key, displaying on the soft keys (39) a second set or nth set of the secondary alphanumeric symbols. Jasinski also teaches actuating a touch key 41 actuates the corresponding pseudo key 39 to select the alpha character displayed on the pseudo key, and display the selected alpha character on the display field.

Response to Arguments

4. Applicant's arguments filed 7/25/05 have been fully considered but they are not persuasive.

Applicants' remarks regarding the combination of Jasinski and Hoeksma on pages 4-5 are not persuasive. Jasinski teaches each of the soft keys 37 including a corresponding touch key (e.g. 41a) within the touch keys 41, actuating a touch key 41a actuates the corresponding pseudo key 39 to select the alpha character displayed on the pseudo key. The soft keys 37 in Jasinski are not provided on the touch pad. Hoeksma is used to teach that a data entry and display device having a plurality of soft keys having display thereon and provided on the keypad. In view of Hoeksma's teaching, it would have been obvious to modify the soft keys 37 of Jasinski to be provided on the touch pad and having display thereon. Applicant's argument regarding Hoeksma

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and the example of Hoeksma's input device demonstrated in Fig. 2 on page 4-5 are not persuasive, since the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981):

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

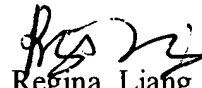
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

8/23/05